

Laws under which Communists have been prosecuted in the US:

Espionage Statutes

Abel case [more an example of SIS  
activ. in US.]

Labor Management Relations Act of 1947

"Fraud against the govt. through the filing of a false non-Communist affidavit with the NLRB".  
2 individuals in question sentenced to 5 years in prison. One sentenced to 2 years plus thirty additional days for contempt of court.

The cases of two other persons on the same charge is pending.

There is also a conspiracy indictment outstanding charging a group of 14 persons with conspiring to defraud the US Govt. by obtaining the services and facilities of the NLRB thru the filing of false non-Communist affidavits.

Smith Act of 1940

From July 1948 up to the present time, 145 functionaries of the CP USA have been indicted under provisions of Title 18, U.S. Code, Section 2385, commonly ~~referred to~~ known as the Smith Act of 1940. 138 of these functionaries were indicted on charges of conspiring to teach and advocate the necessity of over-throwing the US Govt. by force and violence. The remaining seven were indicted under the so-called membership

FBI Doc.  
Security Probs  
- countermeasures  
in USA  
Sept 58  
CONFIDENTIAL.

provision" of the Smith Act, which prohibits membership in an organization which has for its purpose the overthrow of the Govt. by force and violence. Knowledge by the indicted person of the purpose of the organization must also be proved.

As of 15 Sept 1958, 109 of the 145 indicted functionaries had been tried and convicted. 104 convictions were under the conspiracy charge and 5 under the membership charge. 108 of the 109 ~~and~~ convicted defendants received sentences totaling 440 years and one day and were fined \$435,500. One of the five functionaries convicted under the ~~membership~~ membership charge has not been sentenced. Two of the ~~and~~ convicted defendants are serving their sentences and 27 have been released upon completion of their sentences.

As ~~of~~ a result of rulings by the US Supreme Court and various Circuit Courts of Appeals, there now remain 33 convictions of the original 109. Some of these defendants originally convicted were acquitted outright by appellate courts while the cases of others were remanded for new trials. Cases against 19 defendants were dropped by the Govt. prior to trial.

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As of 15 Sept 1958, trials & retrials were pending as follows:

- (1) 24 defendants awaiting retrial under the conspiracy charge;
- (2) One defendant awaiting retrial under the membership charge; and
- (3) Two defendants awaiting trial under the membership charge.

One defendant has been successfully retried under the membership provision and received a sentence of six years in prison. He has filed an appeal.

Internal Security Act of 1950 (The McCarran Act)  
See NATO Summary Tenth & 11th conferences.



Although the CPUSA is legal, its activities are severely restricted by the U.S. Government through various legal means. In addition, the subversive aims and actions of the Communist Party USA and its subservience to the USSR have been ~~made~~ made so plain to the American public that admission of CP membership can make an individual a social pariah ~~and perhaps cost him his job.~~

This legal harassment of the party occurs not only on the level of national laws, but may also be ~~employed~~ employed on the local level. In the case of a known Communist meeting-place or front headquarters ~~the~~ ~~and~~ rarely enforced ~~city~~ <sup>State,</sup> county or city ordinances are invoked and strict adherence thereto requested. ~~Building codes and zoning orders are brought into play - requiring compliance with even the most preposterous passages: Doors to be widened, floors strengthened, seats taken out, etc., before meetings can be held in such and such a building. No fire escape - no meeting as simple as that.~~